

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:99CV152-02-V  
(5:97CR01-01-V)

SEAN LAMONT DUDLEY, )  
Petitioner, )  
 )  
v. ) ORDER  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )  
 )

---

**THIS MATTER** comes before the Court on a "Motion Seeking An Order Of Recusal Pursuant To Title 28 USC § 455" (document # 50), filed by Sean Lamont Dudley, formerly a petitioner in this Court, on the docket of his closed civil case.

By his Motion, Mr. Dudley seeks to have the undersigned recuse himself from his "habeas corpus proceedings." However, a review of the docket on which this Motion was filed reveals that Mr. Dudley currently does not have any case or motion pending before this Court. That is, the docket reflects that Mr. Dudley's Motion to Vacate was filed in September 1999 and denied in March 2002; that his appeal of that matter was rejected by the Fourth Circuit Court of Appeals in September 2002; that all of Mr. Dudley's post-appeal requests for reconsideration have been denied by this Court; and that all such denials have been affirmed on appeal.

To put it simply, there simply are no "habeas corpus proceedings" from which the undersigned can recuse himself.

Consequently, the instant Motion is dismissed as moot.

**SO ORDERED.**

Signed: February 26, 2008



Richard L. Voorhees  
United States District Judge

